

REMARKS

In response to the Office Action dated August 11, 2010, reconsideration of the above-identified application is respectfully requested in view of the following remarks. Claims 1-25 are pending in the application, and were rejected. Claims 4, 7, 12, 17, 22, 23 and 25 are amended. Claims 1-3, 6 and 24 are canceled. No new matter has been added.

Interview Summary

Examiner Dohm Chankong is thanked for the courtesy of the telephone interview granted on Monday, November 08, 2010 with Robert E. Mates.

The rejection under 35 U.S.C. §101 was discussed and it was agreed that the amendment to claims 22-25 according to the suggestion in the Office Action would obviate the rejection.

The amendment to independent claim 4 and the argument made below with respect to the rejection of claim 4 under 35 U.S.C. §103 were discussed and no agreement was reached.

The Rejection of Claims Under §101

Claims 22-25 are rejected under 35 U.S.C. §101.

Claims 22-25 are amended according to the suggestion in the Office Action and it is respectfully submitted that amended claims 22-25 are in condition for allowance.

The Rejection of Claims Under §112

Claim 24 is rejected under 35 U.S.C. §112, second paragraph.

Claim 24 is canceled.

The Rejection of Claims Under §103

Claims 4, 5, 7-15, 17-20, 22, 23 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Duigou et al. (U.S. 7,412,518) in view of Carey et al. (U.S. 6,714,793).

Duigou issued on August 12, 2008, which is after the 28 August 2001 filing date of the present application. It is not admitted that Duigou is prior art, and the right to swear behind Duigou at a later date is reserved.

Carey issued on March 30, 2004, which is after the 28 August 2001 filing date of the present application. It is not admitted that Carey is prior art, and the right to swear behind Carey at a later date is reserved.

Amended independent claim 4 recites a method including, among other features, “parsing contents of the first instant message in a server to determine a meaning of the contents...finding information in the server related to the meaning of the contents of the first instant message and the location of the mobile device...[and] building the contents of a second instant message in the server based on the information.”

Amended independent claim 7 recites a server including, among other features, “a personal-assistance controller to parse a request from the mobile device to determine a meaning of the request and to send information stored in the server to the mobile device, wherein the information is based on the location of the mobile device and the meaning of the request.”

Amended independent claim 12 recites a mobile device including “a controller to contact a hotspot-access point, send a request for information to a server via the hotspot-access point, and receive a response to the request, wherein the response comprises information dependent on a location of the hotspot-access point and a meaning of the request, the information being stored in the server.”

Amended independent claim 17 recites an apparatus including, among other features, “an instant-messaging server comprising a personal-assistance controller to parse a request from a mobile device to determine a meaning of the request...presence data comprising reachability and location information regarding a plurality of mobile devices... and information regarding services relative to a plurality of hotspot-access points.”

Amended independent claim 22 recites a non-transitory storage media including, among other features, “finding information in the server related to the meaning of the contents of the first instant message and the location of the sender...[and] building the contents of a second instant message in the server based on the information.”

Duigou relates to an “apparatus for proximity discovery of services” but Duigou does not show “parsing contents of the first instant message in a server to determine a meaning of the contents...finding information in the server related to the meaning of the contents ...[and] building the contents of a second instant message in the server based on the information” as is recited in amended independent claim 4. The text of Duigou cited in the Office Action describes a discovery service that will “offload the actual search to XML-based search facilities” and information passed to the client will come from the search facility and not a device implementing the discovery service. Duigou column 13, lines 38-62 and column 36, lines 3-10. Duigou therefore does not show all of the features recited in amended independent claim 4. For analogous reasons, Duigou does not show all of the features recited in amended independent claims 7, 12, 17 and 22.

It is respectfully submitted that a *prima facie* case of obviousness against amended independent claims 4, 7, 12, 17 and 22 has not been established in the Office Action, and that claims 4, 7, 12, 17 and 22 are in condition for allowance.

Dependent claims 5, 8-11, 13-15, 18-20, 23 and 25 are believed allowable for at least the same reasons as amended independent claims 4, 7, 12, 17 and 22. Notification to that effect is respectfully requested.

Claims 16 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Duigou, Carey and Kay et al. (U.S. 6,430,602).

Kay issued on August 6, 2002, which is after the 28 August 2001 filing date of the present application. The applicant does not admit that Kay is prior art, and reserves the right to swear behind Kay at a later date.

Dependent claims 16 and 21 are believed allowable for at least the same reasons as amended independent claims 12 and 17. Notification to that effect is respectfully requested.

New Features in the Claims

Amendments to independent claims 4, 7, 12 and 22 are new. Support for the features recited in amended claims 4, 7, 12 and 22 may be found throughout the specification, such as between page 5, line 20 and page 7, line 3.

It is respectfully submitted that amended independent claims 4, 7, 12 and 22 are patentably distinguishable over the art of record for the reasons stated above.

Amendment to Claim 17

Independent claim 17 is amended to correct matters of form only. The amendment is not a narrowing amendment, is not made in response to any requirement stated in the Office Action, and is not made in response to the prior art rejection.

CONCLUSION

It is respectfully submitted that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned at (612) 373-6973 to facilitate prosecution of this application.


If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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By


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